

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PEGASO DEVELOPMENT INC., :

Plaintiff, :

v. :

MORIAH EDUCATION MANAGEMENT :
LP AND MORIAH SOFTWARE
MANAGEMENT LP, :

Defendants. :

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KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE

ORDER

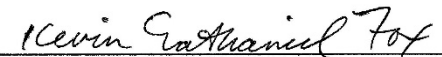
19-CV-7787 (AT) (KNF)

To aid the Court in determining the matter identified in the Court’s September 3, 2020 order to show cause, Docket Entry No. 73, on or before January 5, 2021, the defendants’ counsel David B. Harrison shall file: (1) all unredacted retainer agreements based on which he entered an appearance, on June 16, 2020, “as counsel for defendants Moriah Education Management LP and Moriah Software Management LP,” Docket Entry No. 50, in this action; (2) all unredacted retainer agreements referenced by Harrison in paragraphs 5 and 6 of his June 22, 2020 declaration, Docket Entry No. 54; (3) all unredacted retainer agreements based on which Harrison represented in paragraph 1 of his August 3, 2020 declaration that he is “counsel for defendant Moriah Education Management LP and Moriah Education Management LLC” and “non-parties Greg Zilberstein and Black Dolphin Capital Management, LLC,” Docket Entry No. 63; (4) all unredacted retainer agreements by which “[o]n June 4, 2020, my law firm, Spiro Harrison, was engaged by Moriah Education Management, LP,” “Black Dolphin Capital Management, LLC” and “Greg Zilberstein to represent them in connection with responses to discovery and other proceedings related to a judgment obtained by Pegaso development, LLC” in this action, as stated in paragraph 3 of Harrison’s September 9, 2020 affidavit, Docket Entry No. 75; (5) the dates of communications and all written communications referenced in paragraph 4 of Harrison’s September 9, 2020 affidavit,

Docket Entry No. 75; (6) written documents establishing that “[i]n or around the middle of July 2020, as part of our continuing review of the relationship between MEM LP and MEM LLC, our firm searched for corporate records relating to the entities on the Delaware Division of Corporations registry,” as asserted in paragraph 6 of Harrison’s September 9, 2020 affidavit, Docket Entry No. 75; (7) a certified document issued by a governmental authority showing that Moriah Education Management LP (i) has never existed in the past and (ii) does not exist presently, as asserted in paragraph 6 of Harrison’s September 9, 2020 affidavit, Docket Entry No. 75; (8) written documentation demonstrating “[o]ur investigation into the issue,” referenced in paragraph 6 of Harrison’s September 9, 2020 affidavit, Docket Entry No. 75; (9) the date on which Harrison learned “that MEM LP appeared not to exist,” as asserted by Harrison in paragraph 7 of his September 9, 2020 affidavit, Docket Entry No. 75; (10) written communications by which Harrison (i) “advised Mr. Zilberstein of our understanding” and (ii) “Zilberstein confirmed that our representation should proceed on the same terms for MEM LLC,” referenced in paragraph 7 of Harrison’s September 9, 2020 affidavit, Docket Entry No. 75; (11) written communications by which “[o]n July 29, 2020, this firm notified counsel for Pegaso that it may object to the subpoena based on relevance and confidentiality concerns,” referenced by Harrison in paragraph 13 of his September 9, 2020 affidavit, Docket Entry No. 75; and (12) written documents demonstrating (i) “[o]ur investigation of the underlying facts” and (ii) that “it has revealed that there is no legal entity MEM LP,” as asserted in paragraph 16 of Harrison’s September 9, 2020 affidavit, Docket Entry No. 75.

Dated: New York, New York
December 15, 2020

SO ORDERED:



KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE